

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Chaves	Team: Squad #7	CCRB Case #: 202003949	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 06/04/2020 8:00 PM	Location of Incident: East 136th Street between Brook Avenue and Brown Place	Precinct: 40	18 Mo. SOL 12/4/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 06/05/2020 9:09 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 06/05/2020 9:09 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An Officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Adam Mellusi	00000	931825	SRG 2
2. POM Stephen Centore	31854	936328	DIS CTL
3. CPT David Miller	00000	911741	DIS CTL

Officer(s)	Allegation	Investigator Recommendation
A. An Officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	

Case Summary

On June 5, 2020, an anonymous individual filed this complaint through the CCRB website. This case involves allegations of kettling and other concerted enforcement actions performed under the command and supervision of the then-COD Terrance Monahan and AC Kenneth Lehr. These allegations are being addressed in complaint 202006855.

At approximately 8:00 p.m. on June 4, 2020, officers from multiple commands surrounded and apprehended protesters at the intersection of East 136th Street and Brook Avenue. § 87(2)(b) was initially within the surrounded crowd, covering the protest as a journalist for § 87(2)(b). When § 87(2)(b) attempted to leave the area, multiple officers forcibly detained him before realizing that he was wearing a press pass (see complaint number 202006855). One of the officers allegedly told § 87(2)(b) to “Get the fuck out of here,” and the officers released § 87(2)(b).
(Allegation A: Discourtesy: Word: § 87(2)(g))

§ 87(2)(b) recorded videos of this incident that immediately precede and follow the discourtesy allegation, but do not show them (**Board Review 01 to 03**). PO Anthony Stevens of the Disorder Control Unit (DCU) recorded a BWC video that briefly shows parts of § 87(2)(b)'s interaction with officers from a distant, obscured position (**Board Review 04**). PO Stephen Centore of the Disorder Control Unit (DCU) spoke to and recorded § 87(2)(b) on his BWC after the discourtesy allegedly occurred (**Board Review 05**).

Findings and Recommendations

Allegation (A) Discourtesy (Word): An officer spoke discourteously to § 87(2)(b).

Known facts and general descriptions:

§ 87(2)(b) provided a telephone statement on June 15, 2020 (**Board Review 06**). In his statement, § 87(2)(b) stated that after being caught inside the kettled protest for approximately one to two minutes, he jumped over the hood of a car on to the sidewalk of Brook Avenue. He saw approximately four armored officers arresting people who escaped from the main crowd. Approximately three of these officers ran towards him, apparently intending to arrest him. One officer then apparently saw § 87(2)(b)'s press badge and told him to “Get the fuck out of here.” § 87(2)(b) was not able to describe the officers further or provide any identifying information (name, shield number, etc.).

§ 87(2)(b)'s first cellphone video shows him standing inside the crowd of protesters. While numerous officers in varying equipment and uniforms are visible, the video does not clearly show many of their faces or any of their identifying information. § 87(2)(b)'s second video shows police officers approaching the crowd from the rear. The video cuts off after only a few seconds as § 87(2)(b) attempts to climb over a vehicle and escape the situation. His third video shows him outside the police perimeter around the protesters, and apparently records events that happened after the discourtesy allegation.

BWC Video:

The CCRB obtained over 100 BWC videos of this protest and police action. While multiple investigators, including the undersigned, reviewed the available video in detail, only one clip appears to show § 87(2)(b)'s interaction with officers. PO Stevens was part of the DCU bicycle line blocking the protest from the front, and his BWC video (6:15 to 6:20 of **Board Review 04**) briefly shows § 87(2)(b) being pushed or pulled by officers. § 87(2)(b) is, for approximately one second, visible in a green t-shirt and baseball cap in the background of the bottom right-hand corner of the video. This video is not sufficient to identify the involved officers or assess the FADO allegations, though it appears to corroborate § 87(2)(b)'s account of being physically accosted by officers.

NYPD Documents Reviewed:

The CCRB obtained a large, confidential set of work records (roll calls, detail rosters, Mobile Field Force rosters, etc.) from the NYS Office of the Attorney General (OAG), who conducted a broad investigation into the NYPD's response to political protests in the summer of 2020. While these records are generally organized by command and date, they do not list the location or locations to which a given set of officers responded on that date. Furthermore, while there are numerous rosters for the incident date from the Strategic Response Group (SRG, the umbrella command containing the DCU), none of the documents list officers assigned to the DCU or any bicycle team. None of the documents list officers known to the investigation to have been part of the DCU bicycle team based on BWC video and officer statements.

Concurrent Investigations:

As of the date of this report, there are no concurrent investigations into § 87(2)(b)'s specific allegations by any NYPD command or other organization. Multiple NGOs, along with the NYC Department of Investigation (DOI) and NYS Office of the Attorney General (OAG), have released public reports analyzing the NYPD's general response to the June 4, 2020 Mott Haven protest. None of these reports focus on specific verbal allegations and they do not identify any lower-ranking officers who were on scene.

Ranking Officers:

As described in complaint number 202006855, then-COD Terrance Monahan and AC Kenneth Lehr were undisputedly on scene for this incident. By his own account and that of multiple-other high-ranking executive officers, AC Lehr was predominantly in charge of organizing the NYPD response to this protest. As of the date of this report, the CCRB has interviewed both COD Monahan and AC Lehr. Their statements, combined with video evidence and § 87(2)(b)'s description of the subject officers as wearing body armor, make it clear that they did not interact with § 87(2)(b) or instruct other officers to do so.

Officers Interviewed:

Lt. Adam Mellusi of DCU was interviewed on October 13, 2020 (**Board Review 07**). PO Centore was interviewed on December 22, 2020 (**Board Review 08**). Cpt. David Miller of DCU was interviewed on January 13, 2021 (**Board Review 09**).

In their statements, the interviewed officers all described working as part of a bicycle team to block protesters from walking beyond the eastern edge of the incident intersection. The officers all acknowledged that it was possible that they interacted with § 87(2)(b) or were near him over the course of the incident, but none of them recalled interacting with him as he alleged. Police Officer Centore confirmed that his BWC video showed him telling § 87(2)(b) not to climb a light pole and § 87(2)(b) declining to speak to him. However, all three officers stated that seeing this video did not prompt any recollections of dealing with § 87(2)(b) beyond that.

The collective video evidence shows that the interviewed officers were all standing in different locations than § 87(2)(b) during the period that he fled the protest and interacted with officers. For this reason, none of the interviewed officers can credibly be considered subjects of **Allegation A**.

Allegation Recitation and Disposition:

The available evidence shows that dozens of officers from multiple commands were involved in surrounding the protesters, and multiple videos show that numerous officers were patrolling the crowd's perimeter near where § 87(2)(b) stood. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party. § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
 - A request for any Notice of Claim filed regarding this incident has been submitted to the Office of the NYC Comptroller and the results will be added to the case file upon receipt.
 - § 87(2)(b)
- § 87(2)(b)

Squad No.: 7

Investigator:	<u>Matthew Chaves</u>	<u>SI Matthew Chaves</u>	<u>07/14/2021</u>
	Signature	Print Title & Name	Date

	<u>Manager Vanessa Rosen</u>	<u>July 14, 2021</u>
Squad Leader:		

Signature

Print Title & Name

Date

Reviewer:

Signature

Print Title & Name

Date